

JENNER & BLOCK LLP
Richard Levin
Carl Wedoff
1155 Avenue of the Americas
New York, NY 10036
(212) 891-1600

Vincent E. Lazar
353 N. Clark Street
Chicago, IL 60654
(312) 222-9350

Counsel for Defendant Trincastar Corporation

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Proc. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TRINCASTAR CORPORATION,

Defendant.

Adv. Proc. No. 11-2731 (CGM)

**NOTICE AND MOTION
OF TRINCASTAR
CORPORATION'S
MOTION TO DISMISS
THE COMPLAINT**

Trincastar Corporation (“**Trincastar**”), Defendant in the above-captioned adversary proceeding, moves to dismiss (the “**Motion to Dismiss**”) the Complaint, ECF 1, under Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7012, on the ground that the Court lack personal jurisdiction over the defendant and that the Complaint fails to state a claim on which relief may be granted.¹

In support of the Motion to Dismiss, Trincastar submits the contemporaneously filed (i) *Trincastar Corporation’s Memorandum Of Law In Support Of Its Motion To Dismiss The Complaint*, and (ii) *Request For Judicial Notice In Support Of Defendant Trincastar Corporation’s Motion To Dismiss The Complaint* with accompanying *Declaration Of Richard Levin*.

In accordance with the Stipulation and Order entered May 4, 2022, ECF 102, the deadline for any response to the Motion to Dismiss is September 28, 2022.

A hearing on the Motion to Dismiss will be held before the Honorable Cecelia G. Morris on January 18, 2023 at 10:00 a.m. Eastern Standard Time. The hearing will be conducted via Zoom®. Parties wishing to participate in the hearing must register their appearance utilizing the Electronic Appearance portal located on the Court’s website at: <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>. Appearances must be entered no later than 4:00 p.m. Eastern Standard Time on January 16, 2023. Additional information concerning how to participate in the hearing is available in the Court’s Zoom Video Hearing Guide, available at: <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

¹ In accordance with Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Trincastar does not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York
July 29, 2022

By: /s/ Richard Levin

JENNER & BLOCK LLP
Richard Levin
Carl Wedoff
1155 Avenue of the Americas
New York, NY 10036
(212) 891-1600
rlevin@jenner.com
cwedoff@jenner.com

Vincent E. Lazar
353 N. Clark Street
Chicago, IL 60654
(312) 222-9350
vlazar@jenner.com

*Counsel for Defendant Trincastar
Corporation*